

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION NO. 1513 OF 1985

For Approval & Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

1. Whether reporters of local papers may be allowed to see the judgment ?
2. To be referred to the reporters or not ?
3. Whether their lordships wish to see the fair copy of the judgment ?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950, or any order made thereunder ?
5. Whether it is to be circulated to the Civil Judge?

Rabiabibi B. Shaikh

VERSUS

Raiskhan Abdulsattar Khan

Appearance:

Mr.SC Barot for petitioner

None present for Respondent

Coram: MR.JUSTICE S.K. Keshote,J

Date of decision: 30/12/1999

C.A.V. JUDGMENT

#. Heard the learned counsel for the petitioner.

#. This civil revision application has come up for preliminary hearing in the court on 8.11.85 and the order passed on that day reads as under:

Rule. Ad-interim relief in terms of para 5(b)

#. The respondent filed affidavit-in-reply and from that I find that the possession of the suit property was taken by him which is clearly borne out from the bailiff report dated 2.10.85. Earlier, the suit filed by him came to be dismissed by the learned trial court and which judgment was affirmed by the first appellate court also. This fact has not been disclosed by petitioner in this civil revision application. This revision application has been filed by petitioner on 7th November 1985 and before this date possession was taken but by concealing this important fact, he got interim relief from this court. The respondent filed as many as four documents on the record and therefrom it is established that possession has already been. This fact has also not been controverted by learned counsel for the petitioner during the course of arguments.

#. In the result, this civil revision application fails and the same is dismissed. Rule discharged. Interim relief earlier granted by this court stands vacated. No order as to costs.

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[sunil]